

REMARKS

Claims 9-16 and 18-29 are pending in the present application. Claims 21-29 are new. Claims 9-11 and 16 have been amended. Claims 9, 11, and 21 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Rejection Under 35 U.S.C. § 103

Nakata/Ryuji:

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,379,876 to Nakata (hereafter “Nakata”) in view of Japanese Patent Publication No. 11-126092 to Ryuji (hereafter “Ryuji”). This rejection is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that Nakata and Ryuji, taken separately or in combination, fail to teach or suggest every claimed feature.

In the rejection, the Examiner admits that

*“Nakata fails to specifically disclose wherein the control section analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition and giving a **visual** notice on the result of the analysis via the display device”* (Off. Act. at pg. 3, last para., emphasis added).

However, in an apparent attempt to remedy this deficiency, the Examiner asserts that “*Ryuji teaches a control section that analyzes a cause of incapability of recognition ... and gives a **notice** on result of the analysis*” (*id.*; emphasis added). Hence, in applying Ryuji, the Examiner ignores a claim limitation, i.e., giving a **visual** notice on the result of analysis **via the display device**. Applicants submit that the Examiner is not permitted to ignore such limitations under § 103.

Further, Applicants submit that Ryuji fails to teach or suggest giving visual notice of a cause of incapability of recognition. Instead, Ryuji's invention only gives **audible** notice of a cause of non-recognition. Specifically, Ryuji's invention only provides **talk-back** instructions on how to talk the voice demand. See paragraphs 0030-36 of the machine translation of Ryuji (available from the JPO website).

Since Nakata and Ryuji fails to teach or suggest displaying a **visual notice** indicating to the driver the determined cause of the incapability of recognition, as presently recited in claim 9, the Examiner has failed to establish a *prima facie* case of obviousness under § 103. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Nakata/Ryuji/Takehiko:

Claims 10-16 and 18-20 stand rejected under § 103(a) as being unpatentable over Nakata and Ryuji, and further in view of Japanese Patent Publication No. 09-292895 (hereafter "Takehiko"). This rejection is respectfully traversed.

As amended, independent claim 9 now recites,

"wherein ... the control section ... causes the display device to display a visual notice indicating to the driver the determined cause as a result of the driver visually recognizing the visual notice as representing a particular one of a plurality of distinct causes ..." (emphasis added).

Further, amended independent claim 11 now recites,

"a storage section that stores a correspondence between different display formats and different causes of incapability of recognition ... such that each of the display formats corresponds to a respective one of the different causes according to the stored correspondence,

wherein the control section reads the display format corresponding to the particular cause ... from the storage section and causes the display device to display a visual notice indicating to the driver the particular cause by changing a screen of the display device to exhibit the read display format" (emphasis added)

Accordingly, independent claims 9 and 11 expressly require a display device display to **visually** indicate to the driver **which of a plurality of distinct or different causes** is responsible for the voice command not being recognized.

The Examiner admits that Nakata fails to disclose giving visual notice on a result of an analysis of the incapability of recognition (see Off. Act. at pg. 3). Further, as discussed above in connection with the § 102 rejection, Ryuji fails to teach or suggest **displaying a visual indication** as to the cause of incapability of recognition - Ryuji only provides **talk-back** instructions.

Applicants further respectfully submit that Takehiko fails to remedy the deficiencies of Nakata and Ryuji. The teachings of Takehiko cited by the Examiner relates to displaying a facial expression which indicates a **reliability level** of recognition. I.e., Takehiko's invention would display a smiling face to indicate a high degree of reliability, a face with little expression to indicate an intermediate degree of reliability, and a frowning face to indicate a low degree of reliability (see paragraph 0021 of the machine translation; Drawing 2).

According to Takehiko, the purpose is to display changes in a graphic/screen which would be **intuitively understood** by the user to indicate a **level or degree** of reliability (e.g., a smiling face is intuitively understood to indicate a "good" (high) level of reliability, while a frowning face is intuitively understood to indicate a "bad" (low) level reliability). See paragraph 0025 of the machine translation of Takehiko.

As such, Takehiko does not teach or suggest displaying a visual notice to indicate a particular one of a plurality of **different or distinct causes** of incapability of recognition. Takehiko is only concerned with displaying a type of graphic/screen change which would be intuitively understood to specify a **degree or level** of reliability. Thus, Takehiko fails to remedy the abovementioned deficiencies of Nakata and Ryuji.

Accordingly, Nakata, Ryuji and Takehiko, taken separately or in combination fail to teach or suggest every feature recited in independent claims 9 and 11. At least for this reason, claims 9 and 11 are allowable. Further, claims 10, 12-16, and 18-20 are allowable at least by virtue of their

dependency on allowable independent claims. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

New Claims

It is respectfully submitted that new claims 21-27 do not add new matter to the present application. Further, as to new independent claim 21, this is a method claim which recites features similar to those discussed above in connection with claim 9. Therefore, Applicants respectfully submit that claim 21 is allowable for similar reasons as claim 9.

Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.


Application No. 10/506,890
Amendment dated March 9, 2009
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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